IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 9TH OCTOBER 2007 / 17TH ASWINA 1929

Bail Appl..No. 6117 of 2007()

CRIME NO. 173/2000 OF KULATHOOPUZHA POLICE STATION

PETITIONER/ACCUSED

MANIRAJAN NAIR.K., S/O.KUNJIRAMAN PILLAI
SOBHA SADANAM, KARUKONE P.O., ANCHAL.

BY ADV. SRI.K.ABDUL JAWAD

RESPONDENTS: COMPLAINANTS

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1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. CIRCLE INSPECTOR OF POLICE,
KULATHOOPUZHA.

3. SUB INSPECTOR OF POLICE,
KULATHOOPUZHA POLICE STATION.

BY PUBLIC PROSECUTOR ADV.SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No. 6117 of 2007

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Dated this the 9th day of October, 2007

ORDER

Application for anticipatory bail. Petitioner is the sole accused in a crime registered for offences punishable, inter alia, under Section 420 and 471IPC. The crux of the allegations is that the petitioner produced a forged document purportedly issued by a Court before his employer to support his claim for leave of absence from appearance for work. He claimed that he was present before the Court on various dates. On verification it was found that that assertion was false and that no such certificate had been issued by the Court. The alleged production of the forged document took place in December, 1996. The crime was registered in 2000. Investigation is in progress.

2. The learned counsel for the petitioner submits that the petitioner is innocent. At any rate the mere ritualistic arrest of the petitioner is unnecessary at all now, submits the learned counsel for the petitioner. Considering the lapse of a long period of time, the petitioner may not be subjected to the undeserved trauma of arrest and detention. Anticipatory bail may hence be granted, prays the learned counsel for the petitioner.

3. The learned Public Prosecutor does not oppose the said

prayer. The learned Public Prosecutor submits that the petitioner may be directed to co-operate with the investigators and appropriate directions may be issued, it is prayed. I am satisfied ,in the facts and circumstances of the case, that anticipatory bail can be granted to the petitioners.

In the result this petition is allowed. The following directions are issued under Sec.438 Cr.P.C

i) Petitioner shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 16.10.2007.

ii) He shall be released on regular bail on condition that he executes a bond for Rs.50,000/-(Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 5 p.m on 17.10.2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period of one month. Subsequently the petitioner shall so appear as and when directed by the investigating officer in writing to do so.

(iv) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall

thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law, as if these directions were not issued at all.

(v) If he were arrested prior to 16.10.07, he shall be released on bail on his executing a bond for Rs.50,000/- (Rupees fifty thousand only) without any sureties, undertaking to appear before the learned Magistrate on 16.10.07.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE